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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,412	01/05/2001	Sylvia Allegro	33234	5228

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PEARNE & GORDON LLP
526 SUPERIOR AVENUE EAST
SUITE 1200
CLEVELAND, OH 44114-1484

EXAMINER

CHAWAN, VIJAY B

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 09/04/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,412

Applicant(s)

ALLEGRO ET AL.

Examiner

Vijay B. Chawan

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 9-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. This application contains claims 9-18 drawn to an invention nonelected with traverse in Paper Nos. 11 and 13. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

2. Claims 1-8 and 19-25 are objected to because of the following informalities: In claims 1, 19 and 25, "selecting and executing a suitable process...", it is not clear what the applicant means by "suitable process". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rahim (EP 0 881 625 A2).

As per claims 1 and 3, Rahim teaches a method for recognizing vocal features in an acoustic signal comprising the steps of:

extracting, during an extraction phase, characteristic features from an acoustic signal captured by at least one microphone, wherein at least auditory – based characteristics are identified (Figure 1, items 10, 14);

processing, during an identification phase and with the aid of Hidden Markov Models, said characteristic features for the determination of a momentary acoustic scene or of sounds and/or for voice and word recognition, and, selecting and executing a suitable process from a plurality of available processes based on the identified acoustic scene (Col.3, line 20 – Col.4, line 50, Col.6, lines 26-45).

As per claim 2, Rahim teaches the method of claim 1, wherein for the identification of the characteristic features during the extraction phase, Audity Scene Analysis (ASA) techniques are employed (Col.6, lines 26-52).

As per claim 4, Rahim teaches the method of claim 1, wherein at least one of the following auditory characteristics are identified during the extraction of said characteristic features: loudness, spectral pattern, harmonic structure, common on and offsets, coherent amplitude modulations, coherent frequency modulations, coherent frequency transitions and binaural effects (Col.6, lines 26-52).

As per claim 5, Rahim teaches the method of claim 1, wherein at least one non-auditory characteristic is identified in addition to the auditory features (Col.6, lines 26-52, Col.12, lines 16-31).

As per claim 6, Rahim teaches the method of claim 1, wherein to create auditory objects, and any other features are grouped along the principles of Gestalt theory (Col.7, lines 39-55).

As per claim 7, Rahim teaches the method of claim 5, wherein the extraction of characteristics and/or grouping of the characteristics are/is performed either in context-free or in context-sensitive fashion, and further including the step of taking into account in the sense of human auditory perception, based upon information relative to the signal content and providing an adaptation to the respective acoustic scene (Col.7, lines 8-21).

As per claim 8, Rahim teaches the method of claim 1, wherein during the identification phase, data is accessed which was acquired in an off-line training phase (Col.3, line 27 – Col.4, line 1, Col.12, line 48 – Col.14, line 50).

Claims 19-25 are similar in scope and content of claims 1-8, and are rejected under similar rationale.

Response to Arguments

3. Applicant's arguments filed 6/23/03 have been fully considered but they are not persuasive. Applicants argue that the newly amended features are not present in the cited prior art. See above rejection

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Vijay B. Chawan
Primary Examiner
Art Unit 2654

9/2/03

vbc

**VIJAY CHAWAN
PRIMARY EXAMINER**